

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2019

CORAM :

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

CrI.O.P.No.1851 of 2019

Captain Jacob Selvaraj

... Petitioner

Vs.

The Inspector of Police,
S-2, Airport Police Station,
Meenambakkam,
Chennai - 27.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation to CBCID or any other investigating agency or any officer other than the officer under the Assistant Commissioner of Police, Meenambakkam for proper and fair investigation in the Crime No.304 of 2015 on the file of the respondent and further may be directed to file the final report within time frame stipulated by this Hon'ble Court order in CrI.O.P.No.30248 of 2015.

For Petitioner : Mr.S.Jeyaram

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed seeking for transfer of investigation.

2.It is seen from the records that the respondent police have registered an FIR in Cr.No.304 of 2015 for the offence under Sections 379 and 506 (ii) IPC as against two accused persons. The allegations made in a complaint is that the accused persons have stolen certain important documents from the flying club.

3.The learned Additional Public Prosecutor, on instructions submitted that the investigation has been completed and a closure report was filed before the Judicial Magistrate, Alandur in R.C.No.12 of 2016.

4.The learned counsel for the petitioner submitted that when the petitioner has approached this Court at an earlier point of time, a similar submission was made before this Court and this Court had recorded the said submission and closed the Criminal Original Petition by an order dated 06.03.2017 made in CrI.O.P.No.4073 of 2017. The learned counsel for the petitioner submitted that the investigation has not been conducted properly in this case. The learned counsel for the petitioner further submitted that when the petitioner approached the Court below for the purpose of filing a protest petition, it was informed no final report is available in Cr.No.304 of 2015. Left with no other option, the petitioner has approached this Court seeking for transfer of investigation.

5.In reply to the submission, the learned Additional Public Prosecutor submitted that fact remains that the closure report was filed in the year 2016 and the entire case records went missing due to the shifting of Court and that is the reason the Court below is not entertaining the petition filed by the petitioner.

6.In the facts and the circumstances of the case, there shall be a direction to the respondent police to re-present the entire case diary before the Judicial Magistrate, Alandur. Before doing so, the respondent police shall issue a RCS notice to the petitioner. Immediately after the closure report is filed before the Judicial Magistrate Court, the petitioner is entitled to file a protest petition and workout its remedy in accordance with law. The respondent police shall complete this exercise within a period of two weeks from the date of receipt of copy of this order. सत्यमेव जयते

7.This Criminal Original Petition is disposed of with the above direction.

dh/rpl

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Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

- 1.The Judicial Magistrate,
Alandur.
2. The Inspector of Police,
S-2, Airport Police Station,
Meenambakkam,
Chennai - 27.
3. The Public Prosecutor,
High Court, Madras.

+2CCs to Mr.S.Jeyaram, Advocate, S.R.No.5925

CrI.O.P.No.1851 of 2019

kak(08/02/2019)



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